

12/2009

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation )

Against: )

**JOAN ROBINSON, M.D.** )

Physician's and Surgeon's )

Certificate No. A 68413 )

Respondent. )

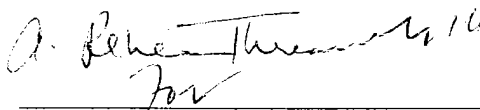
File No. 02-2008-195846

**DECISION**

The attached Stipulated Surrender of License and Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California as its Decision in the above entitled matter.

This Decision shall become effective at **5:00 p.m. on December 21, 2009**

**IT IS SO ORDERED December 14, 2009**



\_\_\_\_\_  
Barbara Johnston  
Executive Director

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GAIL M. HEPPELL  
Supervising Deputy Attorney General  
3 G. LYNN THORPE  
Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

13 **JOAN ROBINSON, M.D.**  
14 **18055 Clouds Rest Road**  
**Soulsbyville, California 95372**  
**Physician's and Surgeon's No. A 68413**

15 Respondent.

Case No. 02-2008-195846

OAH No. 2009060253

13 **STIPULATED SURRENDER OF**  
14 **LICENSE AND ORDER**

17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this  
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Barbara Johnston (Complainant) is the Executive Director of the Medical Board of  
21 California. She brought this action solely in her official capacity and is represented in this matter  
22 by Edmund G. Brown Jr., Attorney General of the State of California, by G. Lynn Thorpe,  
23 Deputy Attorney General.

24 2. Joan Robinson, M.D. (Respondent) is represented in this proceeding by attorney  
25 Steven L. Simas Esq. of Simas & Associates, Ltd., whose address is North Point Business Park,  
26 3835 North Freeway Blvd., Suite 228, Sacramento, CA 95834.

27 3. On or about May 14, 1999, the Medical Board of California issued Physician's and  
28 Surgeon's No. A 68413 to Joan Robinson, M.D. (Respondent). The Physician's and Surgeon's

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
2 expire on November 30, 2010. On March 18, 2009, Respondent's Physician's and Surgeon's  
3 Certificate was suspended pursuant to an Interim Suspension Order.

#### 4 **JURISDICTION**

5 3. First Amended Accusation No. 02-2008-195846 was filed before the Medical Board  
6 of California (Board), Department of Consumer Affairs, and is currently pending against  
7 Respondent. The First Amended Accusation and all other statutorily required documents were  
8 properly served on Respondent on October 27, 2009. Respondent timely filed her Notice of  
9 Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 02-  
10 2008-195846 is attached as Exhibit A and incorporated herein by reference.

#### 11 **ADVISEMENT AND WAIVERS**

12 4. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in First Amended Accusation No. 02-2008-195846. Respondent also has  
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
15 Surrender of License and Order.

16 5. Respondent is fully aware of her legal rights in this matter, including the right to a  
17 hearing on the charges and allegations in the First Amended Accusation; the right to be  
18 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses  
19 against her; the right to present evidence and to testify on her own behalf; the right to the issuance  
20 of subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

#### 25 **CULPABILITY**

26 7. Respondent does not contest that, at an administrative hearing, Complainant could  
27 establish a prima facie case with respect to the charges and allegations contained in the First  
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1 Amended Accusation No. 02-2008-195846 and that she has thereby subjected her license to  
2 disciplinary action.

3 8. Respondent agrees that if she ever petitions for reinstatement of her Physician's and  
4 Surgeon's Certificate A 68413, all of the charges and allegations contained in First Amended  
5 Accusation No. 02-2008-195846 shall be deemed true, correct and fully admitted by Respondent  
6 for the purposes of that reinstatement proceeding or any other licensing proceeding involving  
7 Respondent in the State of California.

8 9. Respondent understands that by signing this stipulation she enables the Board to issue  
9 an order accepting the surrender of her Physician's and Surgeon's without further process.

10 10. The admissions made by Respondent herein are only for the purposes of this  
11 proceeding, or any other proceedings in which the Medical Board of California or other  
12 professional licensing agency is involved, and shall not be admissible in any other criminal or  
13 civil proceeding.

#### 14 CONTINGENCY

15 11. This stipulation shall be subject to approval by the Medical Board of California.  
16 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
17 Board of California may communicate directly with the Board regarding this stipulation and  
18 surrender, without notice to or participation by Respondent or her counsel. By signing the  
19 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
20 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
21 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary  
22 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
23 action between the parties, and the Board shall not be disqualified from further action by having  
24 considered this matter.

25 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of  
26 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
27 the originals.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

**IT IS HEREBY ORDERED** that Physician's and Surgeon's Certificate No. A 68413 issued to Respondent Joan Robinson, M.D., is surrendered and accepted by the Medical Board of California.

14. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.


16. Respondent shall cause to be delivered to the Board both her wall license certificate and, if one was issued, her pocket license on or before the effective date of the Decision and Order.

17. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 02-2008-195846 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Respondent may petition for reinstatement two years after the effective date of the Decision and Order.

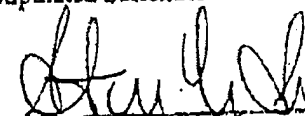
18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 02-2008-195846 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE


I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Steven L. Simas, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 11/23/09  
JOAN ROBINSON, M.D.  
Respondent

I have read and fully discussed with Respondent Joan Robinson, M.D., the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 11/23/09  
STEVEN L. SIMAS ESQ.  
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 11/30/09  
G. LYNN THORPE  
Deputy Attorney General  
Attorneys for ComplainantSA2009309665  
30901827.doc

**Exhibit A**

**First Amended Accusation No. 02-2008-195846**

EDMUND G. BROWN JR., Attorney General  
of the State of California  
GAIL M. HEPPELL  
Supervising Deputy Attorney General  
G. LYNN THORPE, State Bar No. 112122  
Deputy Attorney General  
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Facsimile: (916) 327-2247

Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 27, 20 09  
BY [Signature] ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation  
Against:

**JOAN R. ROBINSON, M.D.**  
18055 Clouds Rest Road  
Soulsbyville, California 95372

Physician's and Surgeon's Certificate  
No. A 68413

Respondent.

Case No. 02-2008-195846

**FIRST AMENDED ACCUSATION**

Complainant alleges:

**PARTIES**

1. Barbara Johnston (Complainant) brings this First Amended Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about May 14, 1999, the Medical Board of California issued Physician's and Surgeon's Certificate Number A 68413 to Joan R. Robinson, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2010. On March 18, 2009, Respondent's Physician's and Surgeon's Certificate was suspended pursuant to an Interim Suspension Order.

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1                   9.     Health and Safety Code section 11172 provides in pertinent part as  
2 follows:

3                   “(a)   No person shall obtain or attempt to obtain controlled substances, or  
4 procure or attempt to procure the administration of or prescription for controlled  
5 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the  
6 concealment of a material fact.”

7                   10.    Midazolam, also known as Versed, is a Schedule IV depressant pursuant  
8 to Health and Safety Code section 11057(d)(21).

9                   **FIRST CAUSE FOR DISCIPLINE**

10                  (Use and Prescribing of Controlled Substance In An Injurious or Dangerous Manner)  
11                  [Bus. & Prof. Code §§ 2234 and 2239(a)]

12                  11.    Respondent is subject to disciplinary action under sections 2234 and  
13 2239(a) of the Code in that she has been using and prescribing controlled substances to herself in  
14 a dangerous or injurious manner to herself, any other person or the public constitutes  
15 unprofessional conduct. The circumstances are set forth below.

16                  12.    Respondent worked as a full-time anesthesiologist at Sonora Regional  
17 Medical Center (“SMRC”) from late October 2008 to February 2009.

18                  13.    On or about February 9, 2009, Respondent was the on-call anesthesiologist  
19 at SMRC. In the afternoon, Respondent was contacted to provide labor analgesia to a patient in  
20 the Birth Center.

21                  14.    When Respondent arrived at the Birth Center, Respondent appeared  
22 groggy, asked the same questions several times, and seemed confused. Respondent then went to  
23 the patient’s room returning to the nursing station a few minutes later. Respondent was observed  
24 standing at the Omnicell medication dispensing unit for several minutes and appeared to have  
25 difficulty using the unit. At this point, a staff member told Respondent the patient had decided to  
26 forgo the procedure for labor analgesia. The patient declined the procedure because the patient  
27 and her family felt uncomfortable with Respondent’s behavior.

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1                   15.     On February 9, 2009, at approximately 4:30 p.m., SMRC's Director of  
2 Anesthesia Services, Dr. T.C.<sup>2</sup>, received a phone call from Operating Room Manager M.M., R.N.  
3 Nurse M.M. informed Dr. T.C. that she had been notified by the Birth Center's nursing staff that  
4 they had observed behavior in Respondent that raised concerns. Dr. T.C. telephoned the Birth  
5 Center to obtain a description of the events that had raised these concerns.

6                   16.     Upon arriving at SMRC, Dr. T.C. proceeded directly to the Operating  
7 Room (OR) and conferred with Nurse M.M. Respondent arrived in the OR a short time later.  
8 Nurse M.M. and Dr. T.C. met with Respondent. Respondent said that she experienced some  
9 problems with the Omnicell unit and was not able to obtain the medication that she required.  
10 Respondent was informed that her behavior had raised concerns by the Birth Center staff and had  
11 made the patient so uncomfortable that she declined Respondent's services.

12                  17.     During this conversation, Dr. T.C. noted that Respondent had a flat affect.  
13 Her mentation appeared slightly slowed. Respondent's responses were appropriate and she was  
14 cooperative. Dr. T.C. asked Respondent if there was something going on that would interfere  
15 with her ability to do her job. Respondent indicated that she felt fine, denying there was anything  
16 that would interfere with the performance her assigned duties.

17                  18.     Dr. T.C. asked Respondent whether she was taking any prescription  
18 medication, non-prescription medications or other substance that might explain the observed  
19 behavior. Respondent said that she was under a physician's care, and the only medications she  
20 had taken were Depakote, Sertraline, BuSpar and Thyroid replacement. Respondent stated that  
21 within the last couple of days her doctor had increased the dosage of Depakote; she was  
22 somewhat inconsistent about the exact day the increase had taken place. Dr. T.C. repeatedly  
23 asked her whether she had taken other medications or substances that might impair her.  
24 Respondent repeatedly said "No." Respondent repeatedly denied any prior or current history of  
25 substance abuse.

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27                  2. SMRC physicians and nurses are identified by their initials to protect their privacy.  
28 SMRC physicians' and nurses' full names will be provided upon receipt of a properly executed  
and served Request for Discovery.

1                   19.     Because of the higher risk of an anesthesiologist misusing drugs,  
2 Dr. T.C. requested, and Respondent agreed, to provide an immediate drug screen. Arrangements  
3 were made for Respondent to provide a urine sample for testing. The hospital's Nursing  
4 Supervisor Rose Meikle facilitated the drug testing process of Respondent. Dr. T.C. requested  
5 Respondent to provide a written list of all medications she was taking. On the drug testing  
6 paperwork, Respondent listed Depakote, Sertraline, BuSpar, thyroid medication, but now  
7 included three additional medications. These medications were diazepam, Glyburide and "K"  
8 which is shorthand for potassium.

9                   20.     After Respondent submitted to the drug test, she met with SMRC's Chief  
10 of Staff, Dr. E.C. and Dr. T.C.. Dr. E.C. asked Respondent whether she was taking any  
11 medications that might show up during the test. Respondent repeatedly said "No." During this  
12 conversation, Respondent was told that the first urine sample appeared to have been  
13 compromised and that another specimen would be required. Respondent agreed to provide a  
14 second urine specimen.

15                  21.     On February 13, 2009, the results of Respondent's urine drug screen were  
16 received. The urine sample indicated the presence of a metabolite of Midazolam.

17                  22.     Respondent was summoned into SMRC to discuss the test results with  
18 Drs. E.C, A.L. and T.C. When confronted with the test results, Respondent admitted taking the  
19 Midazolam from SMRC and self-administering it. Respondent also admitted to taking and using  
20 Midazolam from SMRC on at least five other occasions over the previous two months. Lastly,  
21 Respondent admitted that she had a drug problem.

22                  23.     Respondent's conduct of self-administering Midazolam as set forth in  
23 paragraphs 12 through 22 above constitutes unprofessional conduct in violation of sections 2234  
24 and 2239(a) of the Code.

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1 that she had driven it there and needed help getting the car off the tracks. Respondent said that  
2 she was on the way to her father's house. Respondent then got into her car to make a cell phone  
3 call. When Officer Vincent asked who she was calling, Respondent said that she was calling her  
4 insurance company. Officer Vincent asked Respondent to turn off the car and get out.  
5 Respondent turned off the car, put the keys in her pocket and stepped out of the car. Officer  
6 Vincent asked if there was anyone with Respondent and she said "No."

7           32.     Officer Vincent noticed that Respondent displayed the objective symptoms  
8 of alcohol intoxication. Upon getting out of her car, Respondent had to twice steady herself  
9 against the car when speaking with Officer Vincent. Officer Vincent noted the smell of alcohol  
10 on Respondent's breath. Respondent's eyes were red and watery. Her speech was slow and  
11 slurred.

12           33.     When Officer Shore arrived at the scene, he also noted the objective signs  
13 of alcohol intoxication. He noted her red and watery eyes, her slurred speech, unsteady gait and  
14 the odor of an alcoholic beverage coming from her breath. Officer Shore asked Respondent  
15 whether she had consumed any alcohol after stopping on the railroad tracks and she said that she  
16 did not. Respondent admitted that she had a single glass of wine about two hours before driving.  
17 Officer Shore administered a series of field sobriety test to Respondent. Respondent was unable  
18 to perform any of these tests as explained and demonstrated. Officer Shore placed Respondent  
19 under arrest for driving under the influence of alcohol.

20           34.     After her arrest, Respondent submitted to chemical breath test which  
21 revealed her blood alcohol level was .11% and .10%.

22           35.     Respondent's conduct of consuming alcohol and driving as set forth in  
23 paragraphs 29 through 34 above constitutes unprofessional conduct in violation of sections 2234  
24 and 2239(a) of the Code.

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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein  
3 alleged and that, following the hearing, the Board issue a decision:

- 4 1. Revoking or suspending Physician's and Surgeon's Certificate Number  
5 A 68413 issued to Joan R. Robinson, M.D.;
- 6 2. Revoking, suspending or denying approval of Joan R. Robinson, M.D.'s  
7 authority to supervise physician assistants, pursuant to section 3527 of the Code;
- 8 3 Ordering Respondent to pay the costs of probation monitoring if probation is  
9 imposed; and
- 10 4. Taking such other and further action as deemed necessary and proper.
- 11  
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13 DATED: October 27, 2009

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BARBARA JOHNSTON  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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